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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

CF 1/64.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under section 5 of the Public Security Ordinance (Chapter 40).

MAHINDA RAJAPAKSA,
President.

Colombo,
03rd August, 2006.

Regulations

The Emergency (Miscellaneous Provisions and Powers) Regulation, No. 01 of 2005 Published in Gazette Extraordinary No. 1405/14 of August 13, 2005 and deemed to be in force by virtue of Section 2A of the Public Security Ordinance, and amended from time to time, is hereby further amended as follows :-

- (1) by the amendment of regulation 2 of that regulation by the insertion immediately after definition of the expression “emergency regulation” of the following definition :-

“ ‘essential service’ means any service which is of public utility or is essential for national security or for the preservation of public order or to the life of the community and includes any Department of the Government or branch thereof, which is specified in the Schedule hereto and shall also include any service which may at any time thereafter be declared in terms of regulation 40 of these regulations ;” ;

- (2) by the insertion immediately after regulation 39 of those regulations of the following new regulation :-

40. (1) Where any service is declared by order made by the President under regulation 2 to be an essential service, any person who, on or after August 13, 2005 was engaged or employed in any work in connection with that service—

Maintenance,
and &c., of
essential
services

- (a) fails or refuses after the lapse of one day from the date of such Order, to attend at his place of work or employment or such other place as may from time to time be designated by his employer or a person acting under the authority of his employer or fails or refuses to work or walks out or keeps away from work without working during the full period or any part of the normal working day as is required of him in accordance with the terms and conditions of his employment in such service ; or
- (b) fails or refuses after the lapse of one day from the date of such Order, to perform such work as he may from time to time be directed by his employer or a person acting under the authority of his employer to perform at such time or within such periods as may be specified by such employer or such person for the performance of such work (whether such time or period is within, or outside normal working hour or on holidays) he shall, notwithstanding that he has failed or refused to so attend or to so work in furtherance of a strike or other organized action —
- (i) be deemed for all purposes to have forthwith terminated or vacated his employment, notwithstanding anything to the contrary in any other law or the terms and conditions or any contract of employment ; and
- (ii) in addition, be guilty of an offence.
- (2) Where the President, by Order published in the Gazette declares any service to be an essential service, which service is either specified in the Schedule to these regulations or is subsequently declared as such, any person employed or engaged in any work in connection with such service may be required to work outside normal working hours or on holidays.
- (3) Where any service is declared by order made by the President to be an essential service—
- (a) any person who, in any manner whatsoever -
- (i) impedes, obstructs, delays or restricts the carrying on of that service, or
- (ii) impedes, obstructs or prevents any other person employed in or in connection with the carrying on of that service to refrain from, attending at this place of work, or
- (iii) incites, induces or encourages any other person employed in or in connection with the carrying on of that service to refrain from, attending at his place of work, or
- (iv) compels, incites, induces or encourages the establishment or maintenance of any other service in lieu, of or parallel with, that service being a Government Department or branch thereof ; or
- (v) compels, incites, induces or encourages any other person employed in or in connection with the carrying on of that service to surrender or depart from his employment (whether or not such other person does so surrender or depart in consequence) ; or
- (vi) prevents any other person from offering or accepting employment in or in connection with the carrying on of that service ; or

(b) any person who, by any physical act or by any speech or writing incites, induces or encourages any other person to commit any act specified in sub-paragraph (a) of this paragraph (whether or not such other person commits in consequence any act so specified),

shall be guilty of an offence under the these regulations.

(4) Where the President is of the opinion that the members of any organization are committing, aiding and abetting the commission of any act referred to in paragraph (3) of this regulation, he may by Order published in the *Gazette* declares such organization to be a proscribed organization ;

(5) Where an organization is declared to be a proscribed organization by an Order made under paragraph (4)-

(a) the provisions of paragraphs (2), (3), (4), and (5) of regulation 71 shall, *mutatis mutandis*, apply to, and in relation to, such organization ;

(b) every person who is a member of such organization on or after the date of such Order shall -

(i) if such person is though holder of any office under the Government or in any public Corporation, be deemed, for all purposes, to have terminated or vacated such office, with effect from the date of such Order ;

(ii) in addition, be guilty of an offence under these regulations ; and

(c) any bank in which such organization maintains an account shall not permit any person to operate such account.

(6) Every person who is deemed to have terminated or vacated his employment by reason of the operation of the provision of paragraph (1) of this regulation shall vacate any quarters provided to him by, or on behalf of, the Government within three days of such termination or vacation. Any such person who fails to vacate such quarters within such period shall be guilty of an offence under these regulations.

In this paragraph “quarters” means any building or room or other accommodation occupied or used for the purposes of residence and includes any land or premises in which such building, room or other accommodation is situated.

(7) Where any person is convicted by any court of any offence under this regulation, then, in addition to any other penalty that the court shall impose for such offence -

(a) all property, movable or immovable, of that person shall by virtue of such conviction be deemed to be forfeited to the Republic ; and

(b) any alienation or other disposal of such property effected by such person after the date of the coming into force of these regulations shall be deemed to have been and to be null and void.” ; and

(3) by the addition immediately at the end of these regulations, of the following Schedule :-

“SCHEDULE

(regulation 40)

- (a) the services provided by the Central Bank or any banking institution as defined in subsection (1) of Section 127 of the Monetary Law Act, (Chapter 422), or the State Mortgage and Investment Bank, established under the State Mortgage and Investment Bank Law, No. 13 of 1975 ;
- (b) all services, work or labour of any description whatsoever necessary or required to be done in connection with the maintenance and the reception, feeding, nursing care and treatment of patients in hospitals, dispensaries and other institutions, under the Ministry of Health and Women’s Affairs ;
- (c) all services connected with the supply or distribution of fuel, including petroleum products and gas ;
- (d) all services connected with the supply of electricity ;
- (e) all services, work or labour of any description whatsoever, necessary or required to be done in connection with the maintenance of postal and telecommunications services, including the overseas telecommunication services ;
- (f) all services, work or labour of any description whatsoever necessary or required to be done by officers or servants of all Ministries, Government Departments and Public Corporations ;
- (g) all services, work, or labour of any description whatsoever necessary or required to be done in connection with the maintenance of road, rail and other public transport services ;
- (h) all services, work, or labour of any description whatsoever necessary or required to be done in connection with the maintenance and management of tea, rubber and coconut plantations or the production and manufacture of tea, rubber and coconut ;
- (i) all services, work, or labour of any description whatsoever necessary or required to be done in connection with the export of commodities, garments and other products ;
- (j) all services, work, or labour of any description whatsoever necessary or required to be done in connection with the maintenance of all broadcasting and television services ;
- (k) all services, of any description, necessary or required to be done in connection with the sale, supply or distribution, of any article of food or medicine or any other article required by a member of the public. ”.